

CHILD LABOR IN AGRICULTURE:
CHANGES NEEDED TO BETTER
PROTECT HEALTH AND EDUCATIONAL OPPORTUNITIES**HON. TOM LANTOS**

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1998

Mr. LANTOS. Mr. Speaker, on Thursday, September 17, 1998, my colleagues, Congressmen HENRY WAXMAN and BERNIE SANDERS, and I made public an important GAO report which we requested on the use of child labor in US domestic agriculture at a press conference in front of the US Capitol. Joining us for the release of that report was the U.S. Secretary of Labor Alexis Herman.

The report—entitled “Child Labor in Agriculture: Changes Needed to Better Protect Health and Educational Opportunities”—finds that current legal protections, enforcement, and educational opportunities for children of the fields are grossly inadequate.

Although these findings are quite disturbing, they validate what I and others have suggested for some time.

Taken as a whole, the GAO report establishes that (1) we must have more and better information about children working in the fields and the consequences of this work for their future, (2) we must provide better protections for these children, and better enforcement of existing laws, and (3) we need better assurances that current programs designed to help these children are really working.

In its report, the GAO found that children who work as migrant and seasonal workers are treated as an underclass with few opportunities to improve their future. The report acknowledges that we in Congress no longer have the time or luxury to debate whether there is a domestic child labor problem; the report finds that there is a serious problem that must be addressed without further delay by the Congress.

The GAO report reached a number of very disturbing conclusions: (1) hundreds of thousands of children work in U.S. agriculture with severe, often fatal, consequences for their health, well-being, and academic achievement; (2) children working in agriculture receive less protection under the law, allowing them to work at younger ages, longer hours, and in more hazardous tasks than their counterparts working in other industries; (3) weaknesses in enforcement and data collection procedures mean that child labor violations are not being detected; and (4) a number of programs are available to help educationally and economically disadvantaged children, but little is known about how they help migrant and seasonal farmworker children.

Given these findings, it would be irresponsible to stand by and do nothing. In fact, the GAO in this report challenges the Congress to carefully evaluate whether current federal laws adequately protect children working in agriculture.

As GAO pointed out, current law may not only be inconsistent with the emphasis our nation places on the safety, health, and academic achievement of children, but also with the long-term economic changes in agriculture. This particular field of economic activity no longer merits separate—and unequal protections—for children. Agriculture is no

longer dominated by family farms, with parents and children working together in a family enterprise and with parents who look out for their children's health and well-being. Today, Mr. Speaker, major agricultural conglomerates control much of agricultural production and the workforce are hired employees—not family members who are working together on a family farm. Given these and other changes, the GAO report raises serious questions about why children in agriculture should be treated any differently than children working in other industries.

Under current federal law, children working in agriculture receive less protection than children working in other industries, because of many outdated and outmoded exceptions which have been included in the law for family farms. For example, children age 12 and 13 can work unlimited hours outside of school in nonhazardous agricultural occupations, but children that same age are absolutely prohibited from working in nonagricultural occupations. This means that a 13-year-old cannot be paid to do clerical work in an air-conditioned office, but the same youngster can pick strawberries under the blazing summer sun. In some instances, children as young as 10 years old are working in the fields harvesting our nation's produce.

Mr. Speaker, I have introduced legislation to deal with many of these problems that have been identified in the GAO report. My bill is H.R. 1870, the “Young American Workers Bill of Rights Act,” and I am a cosponsor of H.R. 4450, the “Children's Act for Responsible Employment (CARE),” which would take children under the age of 14 out of the fields. This legislation was introduced by the Democratic Leader, Congressman RICHARD A. GEPHARDT of Missouri.

Both of these bills would create an exception only for the family farm, where children would still be able to assist their parents in working on their own farms. These bills would raise the level of protections that are provided for children working in agriculture to be equal to the protections that are provided for children working in other industries.

Mr. Speaker, I call for hearings in the next Congress to evaluate the adequacy of our existing child labor laws, particularly as they apply to children in agriculture. I also intend to submit legislation in the next Congress—if the voters of San Mateo County and San Francisco, California, make the decision that I deserve to continue to represent them in this body—to provide additional protection for children in agriculture and to deal with the specific inadequacies that have been identified in this GAO report.

It is clear from this GAO report that changes are needed in how we protect children working in agriculture. I am pleased to see that the US Department of Labor has already responded to some of GAO's recommendations, and—under the outstanding leadership of Labor Secretary Herman—it has implemented some of its own initiatives to deal with child labor in agriculture within the confines of current law. It is time for the Congress to enact legislation which rids our nation of unequal protection for children working in agriculture. It is time to pass the Young American Workers' Bill of Rights Act and the CARE Act.

Mr. Speaker, I would like to placed in the RECORD two statements which were made at our press conference last week releasing the GAO report on children working in agriculture.

First, I include the statement of Secretary of Labor Alexis Herman. During Secretary Alexis Herman's tenure, the Department of Labor has undertaken new efforts to combat illegal child labor, and she has focused specifically on child labor in agriculture. This summer, the Labor Department placed major enforcement emphasis on “salad bowl” crops such as lettuce, tomatoes, cucumber, onions, and garlic. As a result of the “Operation Salad Bowl” initiative, the Department of Labor has found children as young as six years old in the fields harvesting our nation's produce, and significant fines were levied against the perpetrators.

Secretary Herman also initiated the “Work Safe This Summer” program which launched a major effort on promoting child labor compliance through education and outreach in agriculture and rural communities. The Department of Labor is also creating partnerships with employers who have agreed to take extraordinary, pro-active steps to promote compliance with our nation's child labor laws by the agricultural industry.

Mr. Speaker, we must give our Secretary of Labor the tools necessary to combat illegal child labor by supporting the President's new child labor budget, in order to have the resources to fight against abusive child labor both at home and abroad. The President's initiative to fight abusive child labor and address child labor problems will: (1) make the US the world leader in supporting programs to reduce abusive child labor around the world; (2) will reduce the potential supply of child workers in agriculture by providing an increase in migrant education to ensure that children are in the classroom, not in the fields; (3) will reduce the demand for illegal child labor for enhanced enforcement and better data; and (4) will help us review and update child labor hazardous occupation orders which regulate child safety in the workplace.

STATEMENT OF ALEXIS M. HERMAN, U.S.
SECRETARY OF LABOR

Thank you Congressman Lantos for your introduction and leadership. Let me also thank all of the other Members of Congress for joining us today and for helping to put the spotlight on children who toil on America's farms.

Let me begin by saying I am here today because fighting abusive child labor is one of my top priorities. And I wanted to be here to say that we welcome the General Accounting Office review of the Department of Labor's efforts. We are committed to ensuring that our child labor program is as effective as possible.

As Secretary of Labor, my bottom-line is simple: One child working in abusive conditions is one too many.

I want to see that young kids all over this country * * * grow up safe and secure * * * that they learn in schools instead of labor on the farms * * * that they spend their time on homework, not fieldwork.

And that is a commitment shared by President Clinton. We must do better—and we must do more to end abusive child labor. And the President made this clear in his State of the Union address in January of this year. That's why we requested the largest increase in our nation's history to fight international child labor.

But we know we can't lead internationally if we don't clean up our own backyard. And so we have pledged to work with Congressman Lantos, Senator Harkin and others to modernize our nation's domestic child labor

laws. And we have launched a strategy to end illegal child labor here a home based on three principles: enforcement, education and partnerships.

When it comes to enforcement, we have launched an initiative which focuses on five commodities—lettuce, tomatoes, cucumbers, garlic and onions. I call it "Operation Salad Bowl". We are sending strike forces to the fields to literally root out worker abuses. And we're getting results.

As of the end of June, we have already completed 33 targeted sweeps. Thirteen focused on the "salad bowl" commodities. These sweeps include 735 separate investigations with 205 in the "salad bowl" commodities. And we found scores of children working illegally—including a child as young as four-years-old working in the onion fields in Arizona.

We are committed to doing even more in enforcement—but we know that's not enough. Success takes education and it takes partnerships.

Last month, we launched the Fair Harvest/Safe Harvest campaign—a bilingual educational effort to reduce farm injuries and keep kids safe.

We are also partnering with community organizations such as the National Consumers League and the Association of Farmworker Opportunity Programs. We are partnering with the business community. And I want to make sure one other organization is a key partner in our effort—and that's the United States Congress.

Because the best way to enhance our effectiveness and ensure the goal of ending abusive child labor is this: Pass the President's budget request.

Pass the President's request for \$30 million to make the U.S. the leader in reducing child labor around the world.

And pass the request for over \$60 million to beef up our child labor enforcement efforts, and strengthen the education of migrant children and migrant job training.

The Senate has fully funded these proposals, but the House bill falls far short. So far, the House has refused to fund any of the President's increase in enforcement to fight abusive child labor.

Let's back up our resolve with resources. And let's make a real difference in the lives of children across our country and around the world.

Mr. LANTOS. Mr. Speaker, I would also like to place in the RECORD a copy of Ms. Diane Mull's statement at our press conference last week. Diane Mull is Executive Director of the Association of Farmworker Opportunity Programs, the leading national organization which represents the interests of our farmworker population. Ms. Mull is recognized both nationally and internationally as one of the leading experts September 22, 1998 on child labor in agriculture. In her statement, Diane vividly explains some of the important reasons why we need to take a hard look at ensuring that we adequately protect our nation's most precious resource—our children.

STATEMENT OF L. DIANE MULL, EXECUTIVE DIRECTOR, ASSOCIATION OF FARMWORKER OPPORTUNITY PROGRAMS, SEPTEMBER 17, 1998

Thank you, Congressmen Lantos, Waxman, Sanders and Secretary Herman for this opportunity to speak today regarding the GAO report on child labor in agriculture. I am extremely pleased that a critical step to document the problem of child labor in America has been accomplished. This can help arm the Administration and the Congress to make needed changes within the Fair Labor Standards Act (FLSA) and its regulations to raise the level of protection of farmworker

children and make it equal to that of all other children. And lastly, Congressman Lantos, I want to thank you for the leadership role that you have taken on this issue in the House of Representatives.

I want to applaud the recent efforts of the Department of Labor. Through the Fair Harvest/Safe Harvest campaign, much needed information is being made available to the farmworker population. I hope that this will be an ongoing and expanded effort, until we are assured that every farmworker family in America knows and understands their rights and how to protect their children from the dangers in the agricultural workplace.

Although agriculture is one of the most dangerous industries in the United States, children are legally allowed to work at very young ages, for unlimited hours before school and after school. The work is affecting their education. As many as 45 to 55 percent of farmworker children are dropping out of school. This is affecting these children's chance for a good education—an education that can help them break out of this cycle of poverty.

Children are dying and being injured in our fields. Children are being sprayed with pesticides, being run over by tractors, being injured and hurt in order to put food on tables across America and around the world. Just recently, a 9 year old was run over and killed by a tractor while working in a blueberry field in Michigan, a 13 year old was knocked off a ladder where he was picking cherries in Washington state and was run over by a trailer being pulled by a tractor, and a 17 year old while picking peaches and pruning apple trees in Utah was sprayed twice with pesticides in one week, he died of a massive brain hemorrhage. Children are dying and are being injured and their precious lives and futures are being stolen.

As the custodians of our children, we, as a nation, are charged with safeguarding their futures. We are charged with protecting them from exploitation on the job by prohibiting child labor for children under the age of 14 and by preventing children and minors from working in hazardous occupations that endanger their lives. Farmworkers, as an occupational group, are often excluded from such basic job protections as the federal minimum wage, workers compensation, unemployment insurance, and overtime pay. Because farmworker adults cannot earn a living wage working in agriculture and do not typically collect public assistance, farmworker families are forced to bring their children to the fields in order to put food on their table. It becomes an economic necessity for their children to work so that the family can survive.

At hand are issues that reflect how we view the rights of individuals within our society. If we fail to protect adequately all segments of the work force job hazards, we risk the creation of a class system that defines the rights of some workers as superior to those of others. To continue to allow inequity in labor standard protections calls into question our integrity as a civilized society. To know that these individuals are large minority and immigrant workers speaks to an even more egregious form of discrimination.

The Association of Farmworker Opportunity Programs through the Children in the Fields campaign supports both the Children's Act for Responsible Employment (CARE) and the Young American Workers Bill of Rights—badly needed legislation that addresses these disparities by providing equal protection and equal standards for children who work as hired workers in agriculture.

The fruits and vegetables we eat are washed with the blood, sweat and tears of America's farmworker children. It is time for action. It is time that we stop this injus-

tice and provide protection for these children. We must act before any more children lose their lives or are injured. We must act before more children sacrifice their futures to put food on our tables.

Mr. LANTOS. Mr. Speaker, I urge my colleagues to take these thoughtful and carefully considered views on children working in agriculture into account and support efforts in fighting abusive child labor in this country.

IN RECOGNITION OF NOTED CIVIL WAR HISTORIAN, HUGH D. MCCORMICK

HON. FRANK R. WOLF

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Wednesday, September 23, 1998

Mr. WOLF. Mr. Speaker, I want to bring to the attention of our colleagues the following story from the September 22 Northern Virginia Daily honoring the life of Mr. Hugh D. McCormick, a noted lawyer, author and Civil War historian who was also a World War II veteran. Mr. McCormick passed away on Tuesday, September 15, 1998, in Front Royal, Virginia, which is in my district. He was 95 years old.

In his book, *Confederate Son*, Mr. McCormick describes how his father and uncle participated in Pickett's Charge in the Battle of Gettysburg during the Civil War.

We send our condolences to Mr. McCormick's widow Virginia H. McCormick and their family.

Also included for the RECORD is a resolution honoring Mr. McCormick which was offered in a special session of the Circuit Court of Warren County, Virginia on September 21, 1998.

[From the Northern Virginia Daily, Sept. 22, 1998]

"CONFEDERATE SON" MCCORMICK GIVEN

LEGAL FAREWELL

(By Donna Dunn)

Hugh D. McCormick, called a "true son of the Confederacy," was honored Monday by the lawyers and judges he influenced in a career that spanned a half-century.

During a special session of Warren County Circuit Court, members of the local Bar Association introduced a resolution praising McCormick, a lawyer who died last Tuesday in Front Royal at age 95.

McCormick, who practiced into his 90s and was a Civil War historian, author, World War II veteran and former Town Council member, was remembered for his zest for life.

Retired General District Judge John F. Ewell read the association's resolution "to perpetuate the memory of their departed friend."

"We gather to pay our respects to a self-sufficient, goal-oriented man," he read.

McCormick, born Jan. 14, 1903, in Pittsylvania County, received a bachelor's degree in 1927 and a law degree in 1947 from the University of Virginia. Between college and law school, he worked for McCormick & Co. of Baltimore and served in the Marines in World War II. He practiced law in Front Royal from 1967 to 1995 and served as commonwealth's attorney and town attorney. He also served eight years on the council.

McCormick's wife, Virginia McCormick, and son, Hugh D. McCormick Jr., attended the ceremony.

The younger McCormick said his father's accomplishments are impressive, but he would have wanted to be remembered for something more.